

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)	
)	No. 63301-5-I
Respondent,)	
)	DIVISION ONE
v.)	
)	
GARY HOWARD COOPER, JR.,)	UNPUBLISHED OPINION
)	
Appellant.)	FILED: August 16, 2010

PER CURIAM. Gary Cooper appeals his conviction for possession of stolen property in the second degree, arguing that the court erred in denying his motion to suppress evidence found during a search incident to arrest. He contends, and the State concedes, that the search was unlawful under State v. Patton, 167 Wn.2d 379, 219 P.3d 651 (2009) (restricting vehicle searches under Washington constitution) and Arizona v. Gant, ___ U.S ___, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009) (restricting vehicle searches incident to arrest under fourth amendment), that the court therefore erred in denying the motion to suppress, and that Cooper's conviction must be reversed and the charge dismissed. In light of Patton, Gant, and State v. Afana, No. 82600-5, 2010 WL 2612616 (Jul. 1, 2010) (declaring good faith exception incompatible with the state constitution), we accept the State's concession.

Reversed and dismissed.

For the court:

Spencer, J.

Leach, a.c.j.

Cox, J.